

## Kindergarten Entry in North Carolina Questions & Answers

The public school laws of North Carolina address admission requirements in G.S. 115C-364.

### North Carolina General Statute

#### **115C-364. Admission requirements.**

- (a) A child who is presented for enrollment at any time during the first 120 days of a school year is entitled to initial entry into the public schools if:
- (1) The child reaches or **reached the age of 5 on or before August 31** of that school year; or
  - (2) The child did not reach the age of 5 on or before August 31 of that school year, but has been attending school during that school year in another state in accordance with the laws or rules of that state before the child moved to and became a resident of North Carolina.
- (b) A local board may allow a child who is presented for enrollment at any time after the first 120 days of a school year to be eligible for initial entry into the public schools if:
- (1) The child reached the age of 5 on or before August 31 of that school year; or
  - (2) The child did not reach the age of 5 on or before August 31 of that school year, but has been attending school during that school year in another state in accordance with the laws or rules of that state before the child moved to and became a resident of North Carolina.
- (c) The initial point of entry into the public school system shall be at the kindergarten level. If the principal of a school finds as fact subsequent to initial entry that a child, by reason of maturity can be more appropriately served in the first grade rather than in kindergarten, the principal may act under G.S. 115C-288 to implement this educational decision without regard to chronological age. The principal of any public school may require the parent or guardian of any child presented for admission for the first time to that school to furnish a certified copy of the child's birth certificate, which shall be furnished by the register of deeds of the county having on file the record of the birth of the child, or other satisfactory evidence of date of birth.
- (d) A child who has passed the fourth anniversary of the child's birth on or before **April 16** may enter kindergarten if the child is presented for enrollment no later than the end of the first month of the school year and if the principal of the school finds, based on information submitted by the child's parent or guardian, that the child is gifted and that the child has the maturity to justify admission to the school. The State Board of Education shall establish guidelines for the principal to use in making this finding. (1955, c. 1372, art. 19, s. 2; 1969, c. 1213, s. 4; 1973, c. 603, s. 3; 1981, c. 423, s. 1; 1983, c. 656, s. 1; 1997-204, s. 1; 1997-269, s. 1; 2007-173, s. 1.)

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_115C/GS\\_115C-364.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_115C/GS_115C-364.html)

## **Interpretive Analysis**

It should be noted that G.S. 115C-364 differs from the former school entry age statute which specified separate entry ages for kindergarten and first grade. The current statute specifies a single entry age for enrollment in a public school and designates kindergarten as the initial point of entry into the system.

It is also important to remember, as a practical matter, that each decision about eligibility to enroll may and often does require two decisions:

**(1) Does the child meet the age requirements for school entrance?**

and,

**(2) At what grade level can the child best be served?**

The first question is easy to answer. If the child reaches the age of five years on or before August 31st of the year he is presented for enrollment, the child is eligible to enroll. If his fifth birth date falls on or after September 1st, the child is not eligible to enroll. Proof of age can be required.

The second question may be somewhat more complicated. The statute contemplates that the vast majority of children presented for enrollment belong in kindergarten and will be automatically assigned there. However, the statute recognizes that some students will be presented for enrollment who can be more appropriately served at a higher grade level, and it authorizes the school principal to make such assignment when he decides that it is in the child's best interest. The key point to remember here is that this is an educational rather than a chronological decision and that it takes place after it has been determined that the child meets the statutory age requirement for school entry. In reaching such a decision, the principal may use both objective and subjective criteria, keeping in mind only that the decision must be reasonably and rationally related to the facts of the specific situation.

The following questions and answers are provided as specific examples of the manner in which the statute should be implemented.

## **Kindergarten Enrollment**

### ***In-State Residents***

#### **Q: Is kindergarten compulsory (mandatory) in North Carolina?**

A: No. All public school systems must offer kindergarten, but children are not required to attend. Compulsory attendance applies to children between the ages of seven and sixteen and also children aged 5 or 6 as long as they are enrolled in public school.

#### **Q: Must a seven-year-old child who has never attended school be placed in kindergarten?**

A: No. The principal has the authority to place the child.

#### **Q: May a child be retained in kindergarten or be demoted to kindergarten after advancing to the first grade?**

A: Yes, in both instances. The principal has the responsibility for the classification of students within the school organization, including kindergarten.

#### **Q: May a child enrolled in public kindergarten be promoted during the school year if the principal feels such reclassification is appropriate?**

A: Yes, the principal has the authority to place a child in a class where the principal feels the child could most appropriately function.

#### **Q: Must a principal accept a kindergarten student who enrolls late in the school year?**

A: Under the present statute, a principal is not required to accept a kindergarten student after the first six months of school. However, principals are encouraged to evaluate any enrollment on what is best for the child.

#### **Q: Can a student be denied enrollment because the student or parent cannot provide a birth certificate and/or a social security number?**

A: While these documents are not required for admission to school, the principal of any public school shall have the authority to require the parents of any child presented for admission for the first time to such school to furnish satisfactory evidence of date of birth. The NC General Statute 115C-

364 details admission requirements. The principal may accept a birth certificate, a social security number or other evidence of date of birth, including, but not limited to, baptismal certificate, family bible with dutiful records, hospital records or an affidavit of age sworn to by the parent.

**Q: Can my child be admitted to Kindergarten early if s/he is gifted and has the maturity to justify admission to the school?**

A: If a child turns five years of age after August 31, and s/he is gifted and has the maturity for a full-day kindergarten year, then the principal may consider each child for student aptitude, achievement, performance, student behavior/interest, and motivation. The parent is responsible for having the child tested for student aptitude and achievement, of which the child must score at the 98<sup>th</sup> percentile or above on both tests.

For additional details and requirements for early admission, please go to the North Carolina State Board of Education website:

<http://sbepolicy.dpi.state.nc.us/apa.asp> for the State Board Policy: HSP-J-001

**Q: My child has his/her birthday only 1 day after the cut-off date, August 31! How can my child still attend Kindergarten?**

A: The North Carolina State Legislation states that a child may be enrolled in Kindergarten if his/her fifth birthday falls on or before August 31. If a child's fifth birthday falls after August 31, then the child is not eligible to enter Kindergarten, unless the child is gifted and has the maturity to justify early admission. For information regarding early admission, please see the state board policy HSP-J-001 located on the North Carolina State Board of Education website: <http://sbepolicy.dpi.state.nc.us/apa.asp>

**Q: I thought that a school year was a total 180 days of school. My child begins Kindergarten through staggered entry, so my child will not be in school for 180 days. Is this okay?**

A: Staggered entry is a well-respected strategy used by schools to help children and families transition into the kindergarten year. The NC State School Board policy allows each individual school district to decide how entry into Kindergarten will be conducted, including the use of staggered entry.

**Q: If Kindergarten is not mandatory, then why is there an attendance policy for my kindergarten child?**

A: The NC State Legislation (115C-378) states that if a child has been enrolled in kindergarten, then the child must attend school continuously for a period equal to the time which the public school is in session. The principal shall notify the child's parent/guardian if a child has accumulated three unexcused absences in a school year. If a child has accumulated six unexcused absences, then the parent/guardian will be notified of a violation of the Compulsory Attendance Law and asked to make arrangements with the school to establish strategies to support continuous attendance.

**Q: Can a school deny admission to a student during initial enrollment on the basis of undocumented status?**

A: Student eligibility for enrollment in school is not based on immigration status and districts are prohibited from inquiring about the immigration status of a student or family. Undocumented children and young adults have the same right as US citizens and permanent residents to attend public primary and secondary schools. Public schools may not: deny admission to a student during initial enrollment or at any other time on the basis of undocumented status; engage in any practices that hinder the right of access to school; or make inquiries of students or parents that may expose their undocumented status. (A student's undocumented status refers to the inability to provide a social security number, green card, visa, or other documentation indicating legal residence in the US.)

## **Kindergarten Enrollment**

### ***Nonpublic Schools***

**Q: Is there an age limitation for a child enrolling in kindergarten in a nonpublic school?**

A: There is no statutory age limitation for kindergarten as far as the nonpublic schools are concerned.

**Q: If a child, not old enough to attend public kindergarten in North Carolina, enrolls in a private school and then transfers to a public school in the same school year, should the public school accept the student?**

A: The public school cannot legally accept such a child for enrollment within the same school year.

**Q: Is there an age limitation for entering first grade?**

A: No. The only age limitation is at the kindergarten level (the initial point of entry).

**Q: May a child who does not meet NC's age requirement complete a nonpublic kindergarten and enroll in the first grade in a public school the next year?**

A: Any child who enters public school at the initial entry point of kindergarten must be five years of age on or before August 31 of that school year. If that child has attended a nonpublic kindergarten during one year and enrolls in public school the following year, the principal, in compliance with any applicable local board policy, has discretion as to the grade placement of the child.

## **Kindergarten Enrollment**

### ***Out-Of-State Residents***

**Q: Where would a child be placed in a North Carolina school who has completed kindergarten in another state and would have been enrolled in the first grade if he had remained in the original state?**

A: If the kindergarten experience can be documented, the child is eligible to enroll in the first grade. However, the principal has the prerogative of deciding where the child can best be served.

**Q: May a child, who does not meet North Carolina's kindergarten age requirement, be enrolled in a North Carolina public kindergarten during the same year the child was enrolled in a public kindergarten in another state? (This question assumes the child's parents resided in the state of original enrollment and moved to North Carolina during the school year.)**

A: A child may be accepted for enrollment in a North Carolina public kindergarten if the child has been enrolled in a public kindergarten in another state during the same year, notwithstanding the fact that the child does not meet North Carolina's age requirement for kindergarten acceptance. This answer also applies to a child who moves from another country.

**Q: Where would a child be placed in North Carolina whose parents deliberately send the child to out-of-state kindergarten for the purpose of enrolling the child in the first grade in a North Carolina school the following year?**

A: It is assumed that this action was to evade the law and the attorney general has ruled that such an action is not in good faith. The child would repeat kindergarten in North Carolina, unless the principal finds as a fact that the child can best be served in another setting.